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In re Application of Hein, Hans-Peter :  
Application No.: 10/578,086 :  
PCT Application No.: PCT/DE04/02424 :  
Int. Filing Date: 2 November 2004 : DECISION  
Priority Date: 7 November 2003 :  
Attorney Docket No.: D4695-00153 :  
For: PLASTIC COATING OF THE END-INNER :  
AREA OF A CAP :

This is in response to applicant's Petition To Withdraw Holding of Abandonment filed 21 July 2009, which is being treated under 37 CFR 1.181.

### **BACKGROUND**

On 2 November 2004, applicants filed international application PCT/DE04/02424. The international application claims a priority date of 7 November 2003 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date that is 2 May 2007.

On 3 May 2006, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a declaration in the international application filed under PCT Rule 4.17(iv).

On 16 November 2007, the OFFICE OF INITIAL PATENT EXAMINATION (OIPE) mailed a Notice of Abandonment under 37 CFR 1.53(f) or (g), which indicated that no reply has been received by the USPTO.

On 10 January 2008, the USPTO mailed a Notification of Missing Requirements informing applicant that applicant must submit a translation of the application into English, a processing fee of \$130 (37 CFR 1.492(i)), and an oath or declaration that is executed and identifies the application to which it is directed.

On 7 March 2008, applicant submitted a translation of the application into English and the processing fee of \$130 (37 CFR 1.492(i)).

On 2 July 2008, the DO/EO mailed a Notice of Acceptance (PCT/DO/EO/903) indicating a 371 Date of 7 March 2008.

On 20 November 2008, the OIPE mailed a second Notice of Abandonment, which indicated that no reply has been received by the USPTO.

On 17 July 2009, the OIPE mailed a third Notice of Abandonment, which indicated that no reply has been received by the USPTO.

On 21 July 2009, applicant filed the present petition under 37 CFR 1.181.

### DISCUSSION

A review of the international application finds on 3 May 2006, applicant satisfied requirements of 35 U.S.C. 371(c)(1) and (c)(4). An English translation of the international application and processing fee were provided on 7 March 2008. The translation and processing fee satisfies the requirement of 35 U.S.C. 371(c)(2).


It is determined that Notices of Abandonment dated 16 November 2007; 20 November 2008; and 17 July 2009 were sent in error and are hereby VACATED.

### CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

This Application is being referred to Technology Center Art Unit 3781 for continued examination in due course.

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